

RESOLUTION OF THE CITY COUNCIL

No. 426

Approved August 8, 1996

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064572 dated November 30, 1995."

VIZ:

A portion of the street now known as Memorial Square and formerly known as Post Office Square, shown as cross-hatched area on accompanying plan and designated by the letters (B-E-F-C-B) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment shall be in favor of the General Services Administration acting as agent for the United States of America and said abandonment is specifically conditioned precedent upon the following: (1) Petitioners shall convey an easement acceptable to the City of Providence, Department of Public Works, which will permit retention of its sewer facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (2) Petitioners shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (3) Petitioners shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (4) Petitioners shall convey an easement acceptable to the New England Telephone & Telegraph Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (5) Petitioners shall, at Petitioners' sole cost and expense, obtain a survey of the subject property by

IN CITY COUNCIL
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

IN CITY COUNCIL
June 6, 1996
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Melvin R. Jensen CLERK

THE COMMITTEE ON
Callie Hart
Recommends *P.H.*
Barbara A. Davis
P.H. Keen Clerk
7/2/96

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Barbara A. Davis
July 29, 1996 Clerk

From the Clerk: Best

a licensed surveyor and shall deliver that survey to the Director of the Department of Public Works so that the specific bounds of the abandonment shall be mutually agreed upon between the Petitioners and said Director; (6) Petitioners have indicated that the abandonment is sought so as to provide additional security for persons utilizing the Federal Court buildings. Any construction shall be aesthetically and architecturally compatible with the surrounding areas and

- (a) The design of the proposed security fence will be subject to review and approval of the Downcity Review Commission for the compliance with the Downcity District regulations. Such approval must be obtained before the fence is installed;
- (b) The design of the proposed security fence will also be subject to the approval of the Rhode Island Historical Preservation and Heritage Commission, in accordance with Section 106 regulations. Such approval must be obtained before the fence is installed;
- (c) The United States government shall maintain the surrounding curb and sidewalks around the entire property as an open walkway, accessible for public access at all times.

(7) Said abandonment shall remain in effect for so long as said premises are used as part of a security system for the United States Courthouse; but in the event it is not used for said purpose, the land shall automatically revert to the City without the need for any further action by the City.

And it is further

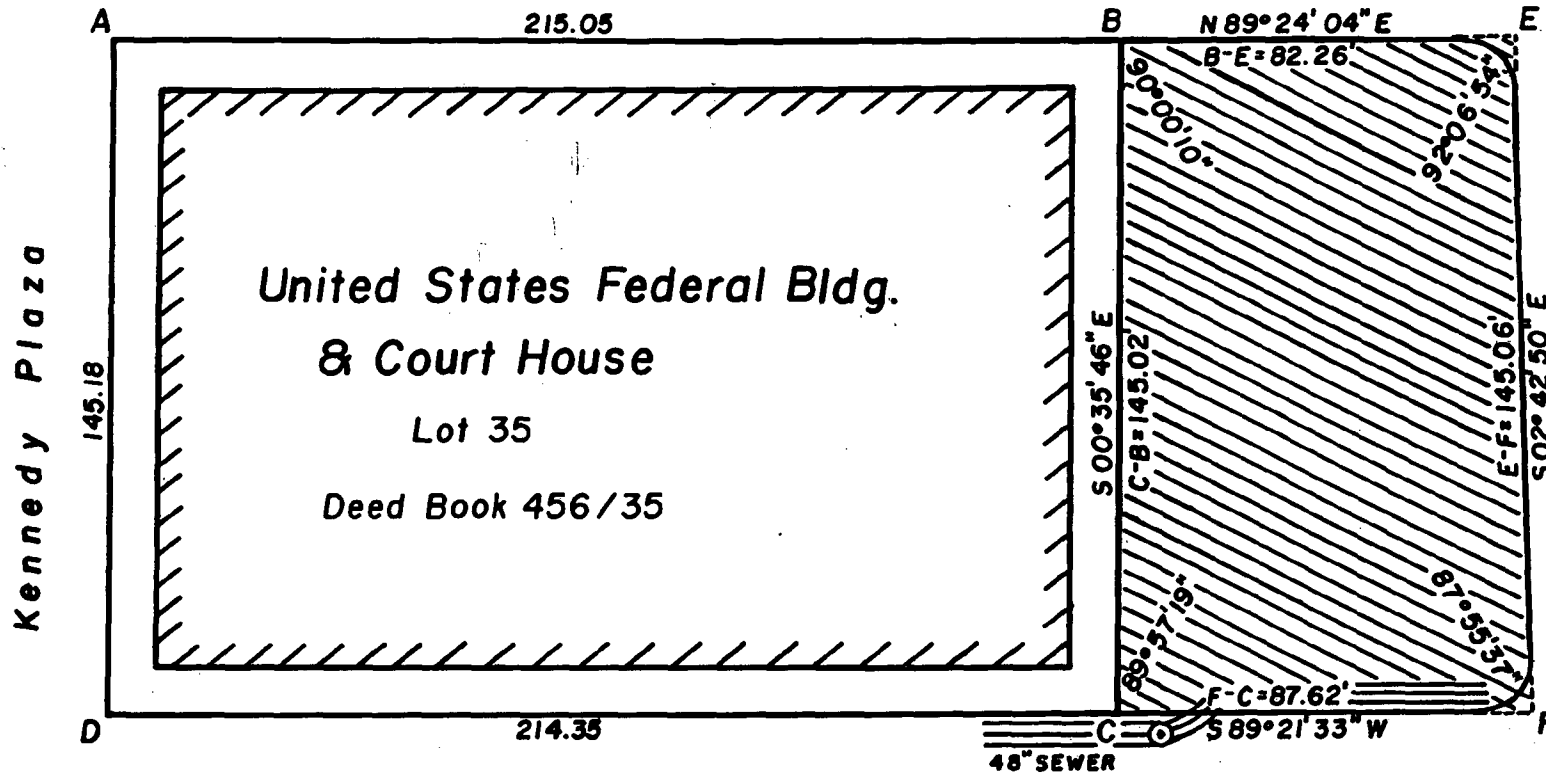
ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway", and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

IN CITY COUNCIL
AUG 1 1996
READ AND PASSED
Emelyn V. Fargnoli
PRES.
Michael R. Clement
CLERK

APPROVED
AUG 8 1996
Vincent A. Cianci
MAYOR

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064572
Date Nov. 30, 1995



NOTES: Cross-hatched area (B-E-F-C-B) indicates proposed abandonment of a portion of Memorial Square.

Memorial Square

Formerly known as Post Office Sq. and Exchange Place.

Total square footage = 12,316.00'

Full sewer easement required.

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing Proposed abandonment of a portion of Memorial Square.
Drawn by A. Zisgides Checked by G. T. M.
Scale 1" = 40' Date 11-30-95
Corrected [Signature] Associate Engr.
Approved [Signature] CHIEF ENGINEER

Lot numbers taken from A.P. 20.

GEORGE CALCAGNI

Chair



VINCENT A. CIANCI, JR.

Mayor

PROVIDENCE CITY PLAN COMMISSION

"Planning the Future of Providence"

June 25, 1996

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
City Hall
Providence, Rhode Island 02903

Re: CPC REFERRAL NO. 3098 - Proposed abandonment of a portion of Memorial Square on Assessors Plat 20, Lot 35.

Attention: Mr. Michael R. Clement, City Clerk

Gentlemen:

The City Plan Commission at its regular meeting on June 19, 1996 reviewed and evaluated the request from the Committee on Public Works for the abandonment of a right-of-way abutting Lot 35 on Assessors Plat 20, located along Memorial Boulevard and Kennedy Plaza.

The Commission has reviewed and evaluated the request for consistency with the City's Comprehensive Plan. Acting on behalf of the Petitioner (the United States of America), is the General Services Administration (GSA) who has forwarded this petition to the City Council.

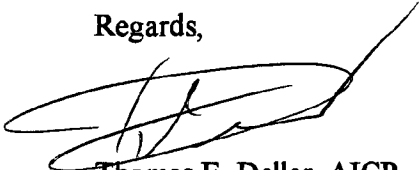
The property in question, adjoins the United States Federal Building and Courthouse, opposite City Hall on Kennedy Plaza. The subject area is within the Downcity District. The structure itself is listed on the National Register of Historic Places, entitled "Federal Building (1908)." It is the intent of the federal government to secure this parcel behind the courthouse with some sort of protective security fencing.

The Commission finds that subject portion of existing right-of-way has ceased to be useful to the general public and the proposed abandonment is consistent with *Providence 2000: The Comprehensive Plan*.

The Commission would advise the Committee on Public Works that they would offer no objection to abandon the right-of-way adjacent to Lot 35 on Assessors Plat 20, subject to the following conditions:

1. The design of the proposed security fence will be subject to review and approval of the Downcity Review Commission for the compliance with the Downcity District regulations. Such approval must be obtained before the fence is installed.
2. The design of the proposed security fence will also be subject to the approval of the Rhode Island Historical Preservation and Heritage Commission, in accordance with Section 106 regulations. Such approval must be obtained before the fence is installed.
3. The United States government shall maintain the surrounding curb and sidewalks around the entire property as an open walkway, accessible for public access at all times.

Regards,



Thomas E. Deller, AICP
Deputy Director

cc: G. Calcagni, Chair
A. Teitz, attorney for petitioner
T. Sanderson, RI Historic Preservation

3098letter

CITY OF PROVIDENCE, RHODE ISLAND

MAYOR VINCENT A. CIANCI, JR.

Michael R. Clement
City Clerk

Clerk of Council



Jean M. Angelone
First Deputy

Barbara A. Poirier
Second Deputy

**DEPARTMENT OF CITY CLERK
CITY HALL**

MEMORANDUM

DATE: June 10, 1996

TO: City Plan Commission, Planning & Development

SUBJECT: PETITION TO ABANDON A PORTION OF
MEMORIAL SQUARE

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman-Committee on
Public Works

DISPOSITION: The accompanying petition is referred to you for
study, report and recommendation and report back in
writing to the above-named committee as soon as
practical.

Barbara A. Poirier

SECOND DEPUTY CITY CLERK

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

To the Honorable Members of the City Council of the City of Providence:

Now comes the General Services Administration ("GSA") acting as agent for the United States of America (the "Petitioner") and respectfully requests that, pursuant to § 24-6-1 of the General Laws of Rhode Island (1956), as amended, said Council abandon a portion of the street now known as Memorial Square and formerly known as Post Office Square (the "Parcel"), as more particularly shown in cross-hatch on the map attached hereto as Exhibit A. The Parcel adjoins the United States Federal Building and Courthouse (the "Courthouse"). The Petitioner submits that the Parcel sought to be abandoned has ceased to be useful to the public, and has also come to be significant for the safety and security of the Federal Judges and employees working at the Courthouse, as well as the general public accessing that facility.

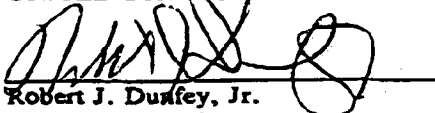
The Petitioner submits that, as a result of the relocation of the rivers and the opening of Memorial Boulevard, the Parcel has ceased to be useful to the public. The Parcel adjoins the northeast side of the Courthouse, being the rear entrance of that facility, and is otherwise bounded by three public streets: (i) Kennedy Plaza (formerly known as Washington Street Extension and part of Exchange Bridge) to the northwest; (ii) the newly constructed Memorial Boulevard to the northeast; and (iii) Kennedy Plaza (formerly known as Exchange Place and part of Burnside Bridge) to the southeast. The Parcel is therefore surrounded on three sides by public streets and on the fourth by the Courthouse. As a consequence of its location, Petitioner submits that the Parcel is no longer useful to the public.

At the same time that the Parcel has ceased to be useful to the public, it has become very important to the United States of America in providing for the protection of its Judges, Court employees and the general public accessing the Courthouse. Following the terrorist bombing attack on the GSA Federal Building in Oklahoma City, Oklahoma, concerns regarding the security of federal facilities have substantially increased. Courthouses are among the most sensitive properties operated by the GSA. If the requested abandonment is granted, the Parcel will be utilized so as to allow the erection of a protective security fence around this sensitive area at the rear perimeter of the Courthouse.

The Petitioner notes that, as shown on Exhibit A, a municipal sewer line is located within the Parcel close to its southeast bound. The Petitioner acknowledges that the requested abandonment must be subject to a perpetual sewer easement from the United States of America to the City of Providence and/or the Narragansett Bay Commission, as the City may require, together with a reservation of any other utility easements that may be necessary. The Petitioner will not erect any improvement on the surface of such easement area other than a fence and related support for the same.

Wherefore, the Petitioner requests that since the Parcel has ceased to be useful to the public and has become significant for the safety and security of the Judges, employees and general public accessing the Courthouse, that it be abandoned and title revert to the Petitioner, pursuant to appropriate publication and notice as mandated by the General Laws of Rhode Island.

GENERAL SERVICES ADMINISTRATION
acting as agent for the
UNITED STATES OF AMERICA


Robert J. Duxfey, Jr.
Regional Administrator

DATE: May __, 1996



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
NEW ENGLAND REGION
OFFICE OF THE REGIONAL COUNSEL

NANCY E. O'CONNELL
REGIONAL COUNSEL

THOMAS P. O'NEILL FEDERAL BUILDING
10 CAUSEWAY STREET
BOSTON, MA 02222

FAX: (617) 565-7278

TEL: (617) 565-5891

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Abandon a portion of Memorial Square formerly know as Post Office Square
Nancy E. O'Connell

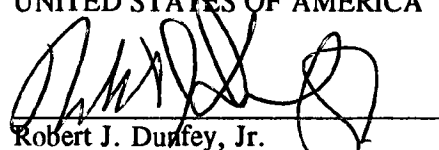
Check #891

\$75.00

Baybank

DATE: May 3/, 1996

GENERAL SERVICES ADMINISTRATION
acting as agent for the
UNITED STATES OF AMERICA


Robert J. Duffey, Jr.
Regional Administrator

FILED

JUN 4 9 17 AM '96

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

THE COMMITTEE ON
PUBLIC WORKS
Approves Passing of
The Within Resolution

Barbara A. Carrier
Clerk
July 29, 1996

THE COMMITTEE ON

Public Works
Recommends *P.H.*
Barbara A. Carrier
Clerk
P.H. (letter 7/2/96)

IN CITY COUNCIL
JUN 6 1996
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael R. Clement
CLERK

From The Clerk's Desk

THE CITY OF PROVIDENCE

CITY SERGEANT'S OFFICE

THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

TO ABANDON A PORTION OF MEMORIAL SQUARE, ALSO KNOWN AS FULTON STREET AND FORMERLY KNOWN AS POST OFFICE SQUARE.

PLAT

LOT

NAME AND ADDRESS

Nancy E. O'Connell
General Services Administration
Office of Regional Counsel
Thomas P. O'Neill
Federal Building
Suite 1077B
10 Causeway Street
Boston, MA 02222

Mr. Andrew Teitz, Esq.
2 Williams Street
Providence, RI 02903

Ralph P. G. Lubinski
City Sergeant

Date 6/13/96

Councilman John J. Lombardi
Ward 13

JOHN J. PARTINGTON
COMMISSIONER

COLONEL URBANO PRIGNANO, JR.
CHIEF OF POLICE



VINCENT A. CIANCI, JR.
MAYOR

Department of Public Safety, Police Department
"Building Pride in Providence"

June 19, 1996

The Honorable Robert M. Clarkin
Chairman
Committee on Public Works
City Hall
Providence, RI 02903

Dear Councilman Clarkin:

Enclosed is a copy of a memorandum from Lieutenant Laorenza, Director, Traffic Bureau, regarding the abandonment of a portion of Memorial Square.

As you can see, Lieutenant Laorenza does not see a problem with your Committee's request.

If you require further assistance with this matter, please do not hesitate to contact Lieutenant Laorenza at 272-3121, ext. 2133.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read 'Colonel Urbano Prignano, Jr.'.

URBANO PRIGNANO, JR.
Colonel
Chief of Police

UP:lmi

Enclosure

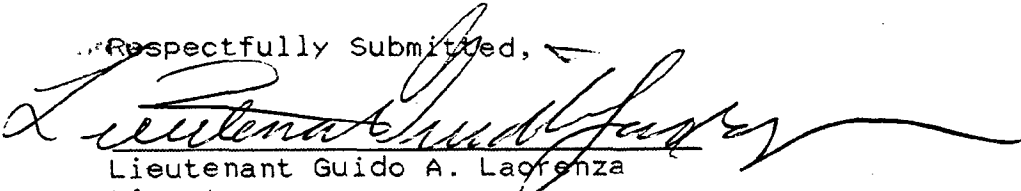
PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

June 18, 1996

TO: Colonel Urbano Prignano, Chief of Police
FROM: Lieutenant Guido A. Laorenza, Director Traffic Bureau
SUBJECT: Abandonment a Portion of Memorial Square

Sir:

I and members of my command conducted an on site inspection and evaluation of the request by the General Services Administration to abandon a portion of the Memorial Square. At the present time, we could not find any reason why the request should not be granted. The closing of the portion of the square does not affect the traffic flow in the area nor to public safety services.

Respectfully Submitted, 

Lieutenant Guido A. Laorenza
Director
Traffic Bureau

Vincent A. Cianci Jr.
Mayor

John J. Partington
Commissioner

James F. Rattigan
Chief of Department

David D. Costa
Fire Marshal



PROVIDENCE FIRE DEPARTMENT
FIRE PREVENTION DIVISION
"Smoke Detectors Save Lives"

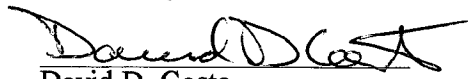
June 20, 1996

Chairman Robert M. Clarkin
Committee on Public Works
City Hall
Providence, R.I. 02903

Chairman Clarkin,

After review of the proposal to abandon a portion of Memorial Square, the Fire Department has no objection.

Yours truly,


David D. Costa
Fire Marshal

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

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The Petitioner submits that, as a result of the relocation of the rivers and the opening of Memorial Boulevard, the Parcel has ceased to be useful to the public. The Parcel adjoins the northeast side of the Courthouse, being the rear entrance of that facility, and is otherwise bounded by three public streets: (i) Kennedy Plaza (formerly known as Washington Street Extension and part of Exchange Bridge) to the northwest; (ii) the newly constructed Memorial Boulevard to the northeast; and (iii) Kennedy Plaza (formerly known as Exchange Place and part of Burnside Bridge) to the southeast. The Parcel is therefore surrounded on three sides by public streets and on the fourth by the Courthouse. As a consequence of its location, Petitioner submits that the Parcel is no longer useful to the public.

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Abandon a portion of Memorial Square formerly know as Post Office Square

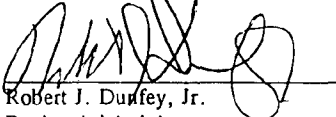
Nancy E. O'Connell

Check #891

\$75.00

Baybank

GENERAL SERVICES ADMINISTRATION
acting as agent for the
UNITED STATES OF AMERICA


Robert J. Duffey, Jr.
Regional Administrator

DATE: May 31, 1996

Ferdinand C. Ithenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

July 29, 1996

"Building Pride In Providence"

Councilman Robert M. Clarkin
Chairman, Public Works Committee
City Hall
Providence, RI

RE: Petition to Abandon Portion of Memorial Square
(Addendum to June 17, 1996 letter)

Dear Councilman Clarkin:

I am sending this correspondence to clarify Recommendation #2 on the June 17, 1996 letter.

Though there is no current revenue generated from curbside metered parking at the Federal Courthouse building, the City will lose the right to regulate parking on the abandoned sidewalk(s) in the future, after abandonment is completed. Since this area is within the prime central business district where on-street parking is of highest demand, future parking regulation will be necessary to regulate traffic flow and/or generate revenue and avoid double-parking. Thus the sum of \$37,440.00 is to compensate the City for this loss.

Should the honorable committee members deem this lump sum fee exorbitant or insufficient, I shall concur with such a decision.

Thank you again for this opportunity and please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. Ithenacho", is written over a grid of lines.

Ferdinand C. Ithenacho, P.E.
Director

FCI:cs

cc: Mayor Cianci, Frank Corrente, John D'Amico

700 Allens Avenue ● Providence, Rhode Island 02905

(401) 467-7950 (Voice) ● 751-0203 (TDD) ● 941-2567 (Facsimile)

Ferdinand C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

July 29, 1996

"Building Pride In Providence"

Councilman Robert M. Clarkin
Chairman, Public Works Committee
City Hall
Providence, RI

RE: Petition to Abandon Portion of Memorial Square
(Addendum to June 17, 1996 letter)

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FCI:cs

cc: Mayor Cianci, Frank Corrente, John D'Amico

700 Allens Avenue ● Providence, Rhode Island 02905

(401) 467-7950 (Voice) ● 751-0203 (TDD) ● 941-2567 (Facsimile)

FILED

JUL 29 4 37 PM '96

DEPT. OF JUSTICE
PROVIDENCE, R.I.

Ferdinand C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

June 17, 1996

"Building Pride In Providence"

Councilman Robert M. Clarkin
Chairman, Public Works Committee
City Hall
Providence, RI

RE: Petition to Abandon Portion of Memorial Square

Dear Councilman Clarkin:

This Department has reviewed the above referenced petition and submits these recommendations:

1. Petitioner is hereby requested to submit a plan of the abandoned lot prepared by a licensed surveyor (licensed in the State of Rhode Island) indicate precise distances and angles.
2. Petitioner is to be charged for loss of parking revenue in the amount of \$37,440.00. This amount is for loss of twenty (20) parking spaces (for three years) in a high parking turnover central business district.
3. Maintain a sewer easement on the southerly crosswalk of the (proposed) abandoned lot.

Upon receipt/confirmation of the above items, this Department will proceed to adopt and accept the abandonment.

Should you have any questions or need further assistance, please feel free to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a grid of lines.

Ferdinand C. Ihenacho, P.E.

FCI:cs

cc: Mayor Cianci, Frank Corrente, James T. Morris

700 Allens Avenue • Providence, Rhode Island 02905.

(401) 467-7950 (Voice) • 751-0203 (TDD) • 941-2567 (Facsimile)

Memorial Square

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

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Now comes the General Services Administration ("GSA") acting as agent for the United States of America (the "Petitioner") and respectfully requests that, pursuant to § 24-6-1 of the General Laws of Rhode Island (1956), as amended, said Council abandon a portion of the street now known as Memorial Square and formerly known as Post Office Square (the "Parcel"), as more particularly shown in cross-hatch on the map attached hereto as Exhibit A. The Parcel adjoins the United States Federal Building and Courthouse (the "Courthouse"). The Petitioner submits that the Parcel sought to be abandoned has ceased to be useful to the public, and has also come to be significant for the safety and security of the Federal Judges and employees working at the Courthouse, as well as the general public accessing that facility.

The Petitioner submits that, as a result of the relocation of the rivers and the opening of Memorial Boulevard, the Parcel has ceased to be useful to the public. The Parcel adjoins the northeast side of the Courthouse, being the rear entrance of that facility, and is otherwise bounded by three public streets: (i) Kennedy Plaza (formerly known as Washington Street Extension and part of Exchange Bridge) to the northwest; (ii) the newly constructed Memorial Boulevard to the northeast; and (iii) Kennedy Plaza (formerly known as Exchange Place and part of Burnside Bridge) to the southeast. The Parcel is therefore surrounded on three sides by public streets and on the fourth by the Courthouse. As a consequence of its location, Petitioner submits that the Parcel is no longer useful to the public.

At the same time that the Parcel has ceased to be useful to the public, it has become very important to the United States of America in providing for the protection of its Judges, Court employees and the general public accessing the Courthouse. Following the terrorist bombing attack on the GSA Federal Building in Oklahoma City, Oklahoma, concerns regarding the security of federal facilities have substantially increased. Courthouses are among the most sensitive properties operated by the GSA. If the requested abandonment is granted, the Parcel will be utilized so as to allow the erection of a protective security fence around this sensitive area at the rear perimeter of the Courthouse.

The Petitioner notes that, as shown on Exhibit A, a municipal sewer line is located within the Parcel close to its southeast bound. The Petitioner acknowledges that the requested abandonment must be subject to a perpetual sewer easement from the United States of America to the City of Providence and/or the Narragansett Bay Commission, as the City may require, together with a reservation of any other utility easements that may be necessary. The Petitioner will not erect any improvement on the surface of such easement area other than a fence and related support for the same.

Wherefore, the Petitioner requests that since the Parcel has ceased to be useful to the public and has become significant for the safety and security of the Judges, employees and general public accessing the Courthouse, that it be abandoned and title revert to the Petitioner, pursuant to appropriate publication and notice as mandated by the General Laws of Rhode Island.

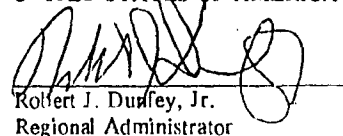
Abandon a portion of Memorial Square formerly known as Post Office Square
Nancy E. O'Connell

Check #891

\$75.00

Baybank

GENERAL SERVICES ADMINISTRATION
acting as agent for the
UNITED STATES OF AMERICA


Robert J. Dunfee, Jr.
Regional Administrator

DATE: May 31, 1996

Ferdinand C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

June 17, 1996

"Building Pride In Providence"

Councilman Robert M. Clarkin
Chairman, Public Works Committee
City Hall
Providence, RI

RE: Petition to Abandon Portion of Memorial Square

Dear Councilman Clarkin:

This Department has reviewed the above referenced petition and submits these recommendations:

1. Petitioner is hereby requested to submit a plan of the abandoned lot prepared by a licensed surveyor (licensed in the State of Rhode Island) indicate precise distances and angles.
2. Petitioner is to be charged for loss of parking revenue in the amount of \$37,440.00. This amount is for loss of twenty (20) parking spaces (for three years) in a high parking turnover central business district.
3. Maintain a sewer easement on the southerly crosswalk of the (proposed) abandoned lot.

Upon receipt/confirmation of the above items, this Department will proceed to adopt and accept the abandonment.

Should you have any questions or need further assistance, please feel free to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. Ihenacho", is written over a grid of lines.

Ferdinand C. Ihenacho, P.E.

FCI:cs

cc: Mayor Cianci, Frank Corrente, James T. Morris

700 Allens Avenue • Providence, Rhode Island 02905

(401) 467-7950 (Voice) • 751-0203 (TDD) • 941-2567 (Facsimile)

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

JOSEPHINE DI RUZZO
City Councilwoman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

July 19, 1996

Mr. Michael Clement
City Clerk
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Petition for Street Abandonment
Memorial Square (P/O)
Providence, Rhode Island

Dear Mr. Clement:

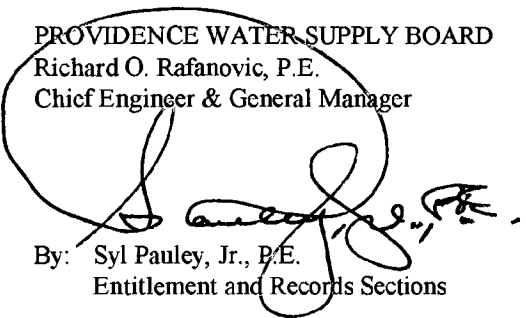
We have reviewed the referenced Petition for impact on the Providence Water Supply Board (PWSB) system. Our records indicate that PWSB owns and maintains a network of water mains consisting of 8, 12, and 24-inch diameters within the limits of the proposed abandonment.

The PWSB has no objection to the proposed street abandonment, provided that the Petitioner grants a full utility easement to the PWSB to maintain, construct, repair, etc. the existing water main, and that no permanent construction, whatsoever, be allowed within the easement. Dimensions and wording of the easement shall be subject to review by the PWSB as to form and content.

If you have any questions, please feel free to contact me at 521-6300 EXT 170.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD
Richard O. Rafanovic, P.E.
Chief Engineer & General Manager

By:  Syl Pauley, Jr., P.E.
Entitlement and Records Sections

SP/s

cc: P. Gadoury, P.E.
N.E. O'Connell, GSA
File

ABNLTR17.SAM

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

JOSEPHINE DIRUZZO
City Councilwoman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

June 18, 1996

Mr. Andrew Teitz, Esq.
Ursillo, Teitz & Ritch
2 William Street
Providence, Rhode Island 02903

SUBJECT: Petition for Street Abandonment
Portion of Memorial Square
Providence, Rhode Island

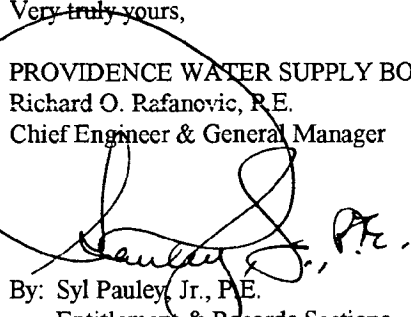
Dear Mr. Teitz:

We have received a copy of a Petition to the City Council for the abandonment of a portion of the referenced street—abutting the rear of the United States Federal Building and Courthouse and Kennedy Plaza—from the Providence City Clerk. It is the Policy of the Providence Water Supply Board to collect a fee, as authorized by the R.I. Public Utilities Commission, to review this type of request. Please forward your check in the amount of \$75.00, made payable to the "CITY COLLECTOR, PROVIDENCE WATER SUPPLY BOARD", at your earliest convenience. **Our review will commence as soon as we receive your payment.**

If you have any questions, please do not hesitate to contact me at (401) 521-6300 EXT 170.

Very truly yours,

PROVIDENCE WATER SUPPLY BOARD
Richard O. Rafanovic, P.E.
Chief Engineer & General Manager


By: Syl Pauley, Jr., P.E.
Entitlement & Records Sections

SP/s
cc: P. Gadoury, P.E.
M. Clement, City Clerk
File

FEECOL55.SAM

NANCY L. DERRIG
SUPERINTENDENT OF PARKS



VINCENT A. CIANCI, JR.
MAYOR

Department of Public Parks
"Building Pride In Providence"

June 18, 1996

Mr. Michael Clement
City Clerk
City Hall
Providence, R.I., 02903

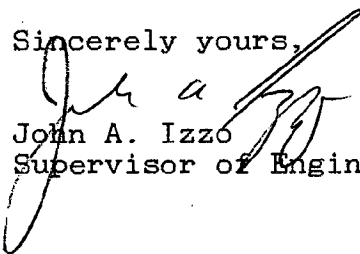
RE: Abandonment of a portion of Memorial Square

Dear Mr. Clement:

Upon review of all Department of Public Parks plans, and records. It is the conclusion of the Parks Department that the abandonment of a portion of Memorial Square, will in no way effect any Parks Department existing facility, and or future plans for that area.

Enclosed is a map indicating the street in question marked in RED, and the nearest Department of Public Parks facility marked in GREEN.

Sincerely yours,


John A. Izzo
Supervisor of Engineering & Planning

CITY OF PROVIDENCE, RHODE ISLAND

MAYOR VINCENT A. CIANCI, JR.

Michael R. Clement
City Clerk

Clerk of Council



Jean M. Ang
First Dep

Barbara A. P
Second De

**DEPARTMENT OF CITY CLERK
CITY HALL**

MEMORANDUM

DATE: June 10, 1996

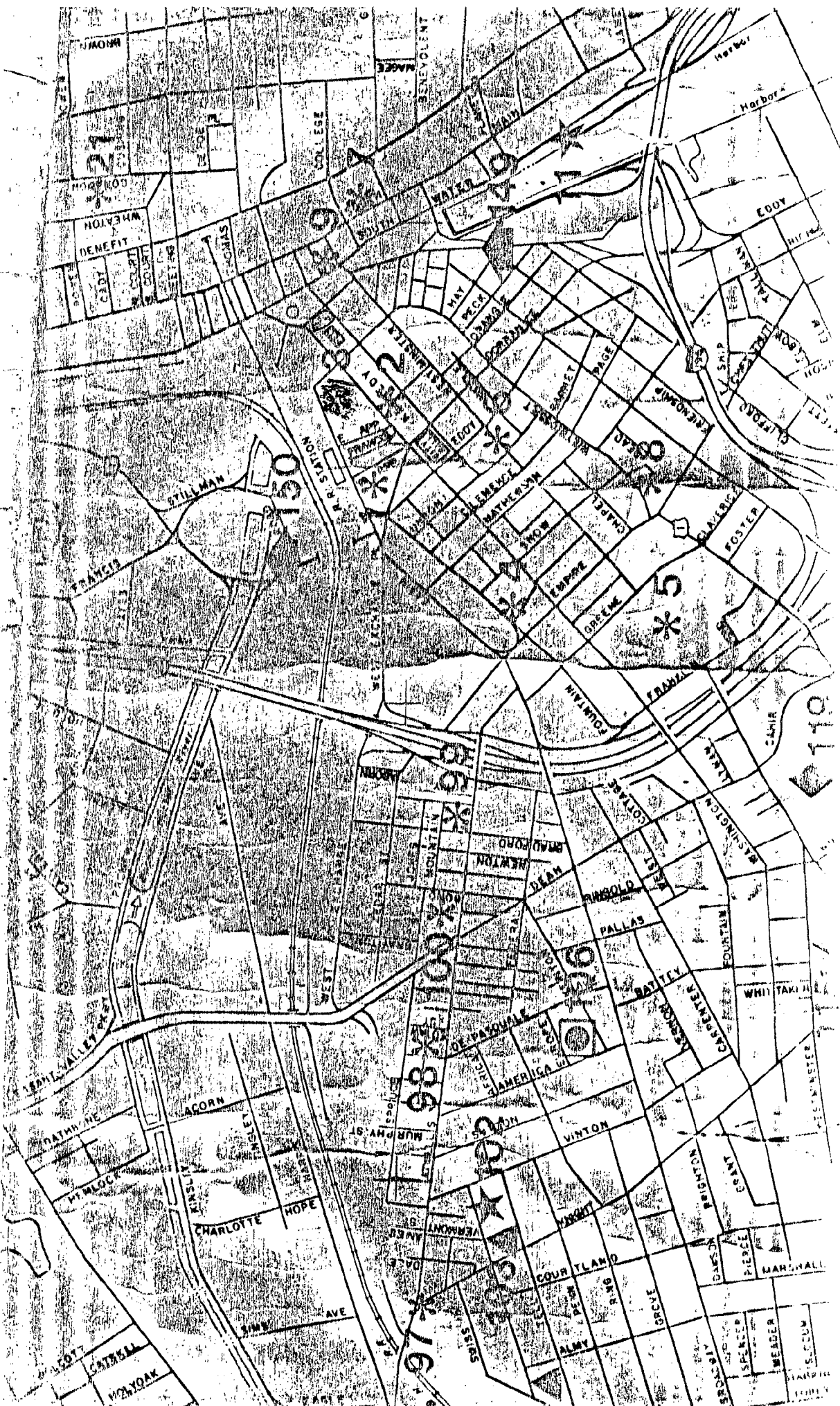
TO: Mrs. Nancy Derrig, Superintendent of Parks

SUBJECT: PETITION TO ABANDON A PORTION OF
MEMORIAL SQUARE

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman-Committee on
Public Works

DISPOSITION: The accompanying petition is referred to you for
study, report and recommendation and report back in
writing to the above-named committee as soon as
practical.

Barbara A. Poirier
SECOND DEPUTY CITY CLERK



GEORGE CALCAGNI

Chair



VINCENT A. CIANCI, JR.

Mayor

PROVIDENCE CITY PLAN COMMISSION

"Planning the Future of Providence"

June 25, 1996

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
City Hall
Providence, Rhode Island 02903

Re: CPC REFERRAL NO. 3098 - Proposed abandonment of a portion of Memorial Square on Assessors Plat 20, Lot 35.

Attention: Mr. Michael R. Clement, City Clerk ✓

Gentlemen:

The City Plan Commission at its regular meeting on June 19, 1996 reviewed and evaluated the request from the Committee on Public Works for the abandonment of a right-of-way abutting Lot 35 on Assessors Plat 20, located along Memorial Boulevard and Kennedy Plaza.

The Commission has reviewed and evaluated the request for consistency with the City's Comprehensive Plan. Acting on behalf of the Petitioner (the United States of America), is the General Services Administration (GSA) who has forwarded this petition to the City Council.

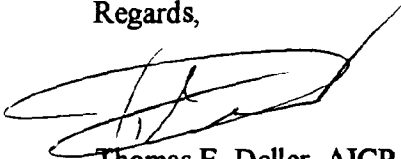
The property in question, adjoins the United States Federal Building and Courthouse, opposite City Hall on Kennedy Plaza. The subject area is within the Downcity District. The structure itself is listed on the National Register of Historic Places, entitled "Federal Building (1908)." It is the intent of the federal government to secure this parcel behind the courthouse with some sort of protective security fencing.

The Commission finds that subject portion of existing right-of-way has ceased to be useful to the general public and the proposed abandonment is consistent with *Providence 2000: The Comprehensive Plan*.

The Commission would advise the Committee on Public Works that they would offer no objection to abandon the right-of-way adjacent to Lot 35 on Assessors Plat 20, subject to the following conditions:

1. The design of the proposed security fence will be subject to review and approval of the Downcity Review Commission for the compliance with the Downcity District regulations. Such approval must be obtained before the fence is installed.
2. The design of the proposed security fence will also be subject to the approval of the Rhode Island Historical Preservation and Heritage Commission, in accordance with Section 106 regulations. Such approval must be obtained before the fence is installed.
3. The United States government shall maintain the surrounding curb and sidewalks around the entire property as an open walkway, accessible for public access at all times.

Regards,



Thomas E. Deller, AICP
Deputy Director

cc: G. Calcagni, Chair
A. Teitz, attorney for petitioner
T. Sanderson, RI Historic Preservation

3098letter

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

To the Honorable Members of the City Council of the City of Providence:

Now comes the General Services Administration ("GSA") acting as agent for the United States of America (the "Petitioner") and respectfully requests that, pursuant to § 24-6-1 of the General Laws of Rhode Island (1956), as amended, said Council abandon a portion of the street now known as Memorial Square and formerly known as Post Office Square (the "Parcel"), as more particularly shown in cross-hatch on the map attached hereto as Exhibit A. The Parcel adjoins the United States Federal Building and Courthouse (the "Courthouse"). The Petitioner submits that the Parcel sought to be abandoned has ceased to be useful to the public, and has also come to be significant for the safety and security of the Federal Judges and employees working at the Courthouse, as well as the general public accessing that facility.

The Petitioner submits that, as a result of the relocation of the rivers and the opening of Memorial Boulevard, the Parcel has ceased to be useful to the public. The Parcel adjoins the northeast side of the Courthouse, being the rear entrance of that facility, and is otherwise bounded by three public streets: (i) Kennedy Plaza (formerly known as Washington Street Extension and part of Exchange Bridge) to the northwest; (ii) the newly constructed Memorial Boulevard to the northeast; and (iii) Kennedy Plaza (formerly known as Exchange Place and part of Burnside Bridge) to the southeast. The Parcel is therefore surrounded on three sides by public streets and on the fourth by the Courthouse. As a consequence of its location, Petitioner submits that the Parcel is no longer useful to the public.

At the same time that the Parcel has ceased to be useful to the public, it has become very important to the United States of America in providing for the protection of its Judges, Court employees and the general public accessing the Courthouse. Following the terrorist bombing attack on the GSA Federal Building in Oklahoma City, Oklahoma, concerns regarding the security of federal facilities have substantially increased. Courthouses are among the most sensitive properties operated by the GSA. If the requested abandonment is granted, the Parcel will be utilized so as to allow the erection of a protective security fence around this sensitive area at the rear perimeter of the Courthouse.

The Petitioner notes that, as shown on Exhibit A, a municipal sewer line is located within the Parcel close to its southeast bound. The Petitioner acknowledges that the requested abandonment must be subject to a perpetual sewer easement from the United States of America to the City of Providence and/or the Narragansett Bay Commission, as the City may require, together with a reservation of any other utility easements that may be necessary. The Petitioner will not erect any improvement on the surface of such easement area other than a fence and related support for the same.

Wherefore, the Petitioner requests that since the Parcel has ceased to be useful to the public and has become significant for the safety and security of the Judges, employees and general public accessing the Courthouse, that it be abandoned and title revert to the Petitioner, pursuant to appropriate publication and notice as mandated by the General Laws of Rhode Island.

GENERAL SERVICES ADMINISTRATION
acting as agent for the
UNITED STATES OF AMERICA


Robert J. Duffey, Jr.
Regional Administrator

DATE: May __, 1996

RESOLUTION OF THE CITY COUNCIL

No. 384

Approved July 23, 1996

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064564 dated December 14, 1995, revised June 11, 1996."

VIZ:

STELLA STREET, TREASEA STREET, AND AN UNNAMED RIGHT-OF-WAY (portions of each), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-E-F-G-H-J-K-L-M-N-P-Q-R-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following: (1) The Providence Water Supply Board shall indicate its non-objection of the within abandonment by letter to the Office of the City Clerk, City of Providence. If necessary, Petitioners shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (2) Petitioners shall tender the amount of Twelve Thousand Five Hundred Ninety-Three Dollars in legal tender U.S. in Bank or Cashier's check to the City of Providence at the Office of the City Clerk not later than August 15, 1996; (3) Petitioners shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (4) The property shall, upon the meeting of the above conditions, be abandoned as follows:

To James and Gloria A. Maron:

- a. Portion of Stella Street from Mancini Drive north to start of lot 399 and lot 4 shown on plat 114.
- b. Portion of Unnamed Right-of-Way from King Philip Road west to Stella Street.
- c. Portion of Tresea Street between Stella Street to Middleton Street.

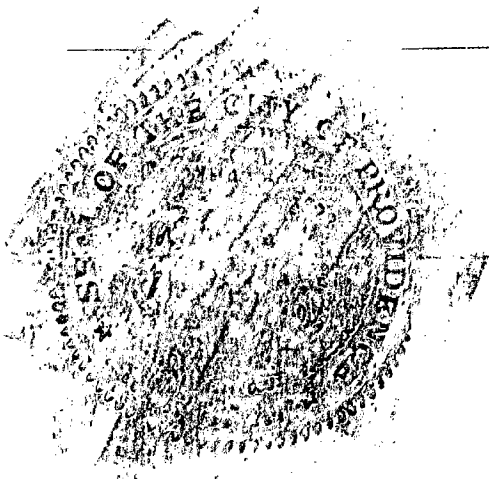
To Park Side Site and Utilities Construction Co., Inc.:

- a. Portion of Stella Street located between lot 398 -399 and lot 4 to Johnston Town lines shown on plat 114.
- b. Portion of Right-of-Way running east to west from Stella Street to Middleton Street

And it is further

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway", and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.



A true copy,

Attest:

Michael R. Clement
Michael R. Clement
City Clerk

RESOLUTION OF THE CITY COUNCIL

No. 426

Approved August 8, 1996

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064572 dated November 30, 1995."

VIZ:

A portion of the street now known as Memorial Square and formerly known as Post Office Square, shown as cross-hatched area on accompanying plan and designated by the letters (B-E-F-C-B) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment shall be in favor of the General Services Administration acting as agent for the United States of America and said abandonment is specifically conditioned precedent upon the following: (1) Petitioners shall convey an easement acceptable to the City of Providence, Department of Public Works, which will permit retention of its sewer facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (2) Petitioners shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (3) Petitioners shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (4) Petitioners shall convey an easement acceptable to the New England Telephone & Telegraph Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation; (5) Petitioners shall, at Petitioners' sole cost and expense, obtain a survey of the subject property by

a licensed surveyor and shall deliver that survey to the Director of the Department of Public Works so that the specific bounds of the abandonment shall be mutually agreed upon between the Petitioners and said Director; (6) Petitioners have indicated that the abandonment is sought so as to provide additional security for persons utilizing the Federal Court buildings. Any construction shall be aesthetically and architecturally compatible with the surrounding areas and

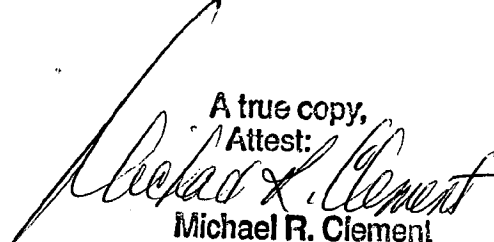
- (a) The design of the proposed security fence will be subject to review and approval of the Downcity Review Commission for the compliance with the Downcity District regulations. Such approval must be obtained before the fence is installed;
- (b) The design of the proposed security fence will also be subject to the approval of the Rhode Island Historical Preservation and Heritage Commission, in accordance with Section 106 regulations. Such approval must be obtained before the fence is installed;
- (c) The United States government shall maintain the surrounding curb and sidewalks around the entire property as an open walkway, accessible for public access at all times.

(7) Said abandonment shall remain in effect for so long as said premises are used as part of a security system for the United States Courthouse; but in the event it is not used for said purpose, the land shall automatically revert to the City without the need for any further action by the City.

And it is further

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway", and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

A true copy,
Attest:

Michael R. Clement
City Clerk



Narragansett Electric
A NEES company

July 11, 1996

Ms. Barbara A. Poirier
Department of City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Re: Petition to Abandon a Portion of Memorial Square

Dear Barbara:

The Narragansett Electric Company (NECo) presently has an underground distribution system in the proposed abandoned portion of Memorial Square. These underground facilities are essential to the network system which provides power to downtown Providence. NECo has no objection to the proposed abandonment provided that in the event the street is abandoned, an easement acceptable to NECo will permit the retention of our facilities in their existing locations and the unobstructed access and maintenance thereof.

If you have any questions feel free to call me at 401-784-7209.

Sincerely,

Michael D. DiNezza
Senior Real Estate Representative

Enclosure

280 Melrose Street
P.O. Box 1438
Providence, RI 02901-1438
Telephone: 401-784-7000

NYNEX
85 High Street, Pawtucket, RI 02860
Tel 401 727 9555
Fax 401 725 4060

NYNEX

June 17, 1996

Providence City Council
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Attn: Mr. Robert Clarkin

RE: PETITION TO ABANDON A PORTION OF MEMORIAL SQUARE

Dear Sir,

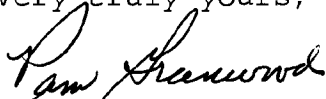
Upon investigation it has been determined that Nynex has facilities in the portion of Memorial Square to be abandoned.

These facilities include underground conduit and a manhole that provide service to the surrounding area.

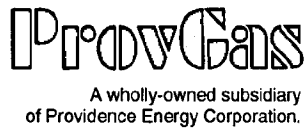
New England Telephone and Telegraph Company will not object to the granting of said petition, provided that in the event the petition is granted, the petitioner will convey an easement acceptable to New England Telephone, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities.

If it is decided by the petitioner that telephone facilities are to be relocated, the petitioner will assume all costs of the relocation.

Very truly yours,



for Mary C. Hanley
E/P Manager - Right of Way



June 20, 1996

Ms. Barbara A. Poirier
Second Deputy City Clerk
Department of City Clerk
City Hall
Providence, RI 02903

RE: Abandonment of a portion of Memorial Square

Dear Ms. Poirier:

Because Providence Gas Company does not have any facilities in Memorial Square, we do not object to the petition for abandonment.

If I may be of further assistance, please call me at 272-5040, extension 537.

Sincerely,

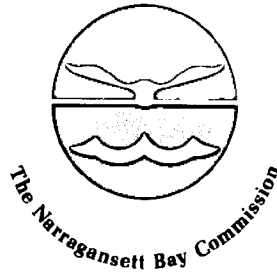
Anthony Romano
Team Leader
Records & Drafting

AR/kg

The Foundry Corporate Office Center
235 Promenade Street — Suite 500
Providence, RI
02908-5739
401 • 277 • 6680
401 • 277 • 2584 Fax
401 • 277 • 6680 TDD

Rep. Vincent J. Mesolella
Chairman

Paul Pinault
Executive Director



June 28, 1996

Ms. Barbara Poirier
Second Deputy Clerk
Department of City Clerk
City Hall
Providence, RI 02903

SUBJECT: Abandonment of City-Owned Property

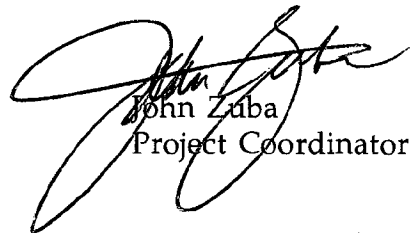
Dear Ms. Poirier:

We have reviewed your memoranda and documentation concerning the abandonment of a section of Memorial Square, Providence, RI.

The NBC does not own any facility in this street. Therefore, we do not have any objection to the abandonment of these properties.

We appreciate your notification of these abandonments and the opportunity to comment.

Sincerely,



John Zuba
Project Coordinator

JZ/amr
cc: Joe Filippone, NBC



General Services Administration
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, MA 02222

June 24, 1996

BY FEDERAL EXPRESS

Councilman Robert M. Clarkin
Chairman, Public Works Committee
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Re: Petition Of The General Services Administration For Abandonment of A Portion of
Memorial Square, Providence, Rhode Island, Filed June 4, 1996

Dear Mr. Clarkin:

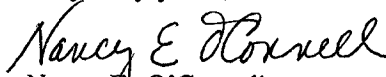
There seems to be some uncertainty regarding representation in the above-referenced matter which I would like to clarify.

It is my understanding that Mr. Andrew Teitz, Esq., has been retained by the Federal Court as its advisor in this matter. However, this office represents the Petitioner, the General Services Administration. Therefore, would you please direct correspondence regarding the Petition and any notice of proceeding(s) regarding the same to me at the General Services Administration, Office of Regional Counsel, Thomas P. O'Neill Federal Building, Suite 1077B, 10 Causeway Street, Boston, Massachusetts 02222, with a copy to Mr. Teitz at Ursillo, Teitz & Ritch, 2 William Street, Providence, Rhode Island.

Should you wish to reach me by telephone or facsimile, the numbers are (617) 565-5891 (telephone) and (617) 565-7278 (facsimile).

Thank you for your assistance.

Very truly yours,


Nancy E. O'Connell
Regional Counsel
Region 1

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John D'Amico, Senior Assistant City Solicitor, By Facsimile (401) 351-7596
Michael Clement, City Clerk, By Facsimile (401) 421-6492



FedEx USA Airbill

Tracking Number

9078305946

FedEx Retrieval Copy

74 100 31359662 5044N

From **G-24-96** Sender's FedEx Account Number **1509-4050-8**

Indor's Name **Scott Gerwitz** Phone **617-565-5896**

Dept./Floor/Suite/Room

Company **GSA REGIONAL COUNSEL 1L**

Address **10 CAUSEWAY ST RM 1077**

City **BOSTON** State **MA** Zip **0 2 2 2 2**

Your Internal Billing Reference Information

To **COUNCILMAN ROBERT M. CHURCH** Phone

Recipient's Name **CHAIRMAN PUBLIC WORKS COMM, CITY HALL** Dept./Floor/Suite/Room

Company **25 DORRANCE STREET**

Address **PROVIDENCE** State **RI** Zip **02903**

City **PROVIDENCE** State **RI** Zip **02903**

For HOLD at FedEx Location check here.

Hold Weekday 31 Hold Saturday (Not available at all locations)

For Saturday Delivery check here

3 (Extra Charge. Not available to all locations)



Service

FedEx Priority Overnight ☐ FedEx Standard Overnight ☐ FedEx 2Day ☐
☒ FedEx Next Business Day ☐
☐ FedEx Overnight Freight ☐ FedEx 2Day Freight ☐
☐ NEW FedEx First Overnight ☐

Packaging

☒ FedEx Letter ☐ FedEx Pak ☐ FedEx Box ☐ FedEx Tube ☐ Other Packaging

Special Handling

Does this shipment contain dangerous goods? ☐ Yes ☐ No
☐ Dry Ice ☐ Cargos Air freight Only

Payment

Bill to: ☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages **1** Total Weight **1.0**



CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY

Release Signature

Your signature is required for release of goods to the addressee. If the addressee is not available, the goods will be held at the FedEx location until the addressee is available to receive them.

232

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Terms And Conditions

Definitions On this airbill, we, our and us refer to Federal Express Corporation, its employees, and agents. You and your refer to the sender, its employees, and agents.

Agreement To Terms By giving us your package to deliver, you agree to all the terms in our current Service Guide, which is available on request. You also agree to those terms on behalf of any third party with an interest in the package. If there is a conflict between the Service Guide and this Airbill, the Service Guide will control. No one is authorized to change the terms of our Agreement.

Responsibility For Packaging And Completing Airbill You are responsible for adequately packaging your goods and properly filling out this airbill. If you omit the number of packages and/or weight per package, our billing will be based on our best estimate of the number of packages we received and/or an estimated "default" weight per package as determined by us.

Responsibility For Payment Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any cost we incur in either returning your package to you or warehousing it pending disposition.

Limitations On Our Liability And Liabilities Not Assumed

- Our liability for loss or damage to your package is limited to your actual damage or \$100, unless you declare a higher value, pay an additional charge, and document your actual loss in a timely manner. You may pay an additional charge for each additional \$100 of declared value. The declared value does not constitute, nor do we provide cargo liability insurance.
- In any event, we will not be liable for any damage, whether direct, incidental, special, or consequential in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred including but not limited to loss of income or profits.

We won't be liable:

- for your acts or omissions including but not limited to improper or insufficient packing, securing, marking, or addressing or those of the recipient or anyone else with an interest in the package
- if you or the recipient violate any of the terms of an Agreement
- for loss or damage to shipments of prohibited items
- for loss, damage, or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, acts of public enemies, war strikes, civil commotions, or acts of public authorities with actual or apparent authority.

Declared Value Limits

- The highest declared value allowed for FedEx Letter and FedEx Pak shipments is \$500.
- For other shipments, the highest declared value allowed is \$50,000 unless your package contains items of "extraordinary value," in which case the highest declared value allowed is \$500.
- Items of "extraordinary value" include shipments containing such items as artwork, jewelry, furs, precious metals, negotiable instruments, and other items listed in our Service Guide.
- You may send more than one package on this airbill and fill in the total declared value for all packages, not to exceed the \$100, \$500 or \$50,000 per package limit described above. (Example: 5 packages can have a total declared value of up to \$250,000.) In that case, our liability is limited to the actual value of the package(s) lost or damaged, but may not exceed the maximum allowable declared value(s) or the total declared value, whichever is less. You are responsible for proving the actual loss or damage.

Filing A Claim YOU MUST MAKE ALL CLAIMS IN WRITING and notify us of your claim within strict time limits set out in the current Service Guide.

We'll consider your claim filed if you notify our Customer Service Department at 1-800-Go-FedEx and make your claim in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all the information you have about it. We aren't obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume the package was delivered in good condition. For us to process your claim, you must make the original shipping cartons and packing available for inspection.

Right To Inspect We may at our option open and inspect your packages before or after you give them to us to deliver.

Right Of Rejection We reserve the right to reject a shipment when such shipment would be likely to cause delay or damage to other shipments, equipment, or personnel or if its shipment is prohibited by law, or if the shipment would violate any terms of our Agreement or our current Service Guide.

C.O.D. Services C.O.D. SERVICE IS NOT AVAILABLE WITH THIS AIRBILL. If C.O.D. Service is required, please use a Federal Express C.O.D. airbill.

Air Transportation Tax Included Our basic rate includes a federal tax required by Internal Revenue Code Section 4271 on the air transportation portion of this service.

Money-Back Guarantee In the event of untimely delivery, Federal Express will at your request and with some limitations, refund or credit all transportation charges. See current Service Guide for more information.